In the High Court of Judicature at Madras

Dated: 19.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.45732 of 2006
and
M.P.Nos.1 & 2 of 2007

S.Ganesan .. Petitioner

Vs.

1.The District Collector,
Kancheepuram District at
Kancheepuram.

2.The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.

3.The Block Development Officer,
Uthiramerur Taluk,
Kancheepuram District.

4.V.K.G. Steel Energy Pvt. Ltd.,
Melpakkam Village,
Uthiramerur Taluk,
Kancheepuram District. .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus to direct respondents 1 to 3 to forbear the fourth respondent from either drawing water in Survey No.48/1B, 50/1A2 and 247 at Silambakkam Village, Uthiramerur Taluk, Kancheeopuram District to be supplied to their factory at Melpakkam Village or to discharge the waste/treated water into the lands at Survey Nos.48/1B, 50/1A2 and 247 of Silambakkam Village, Uthiramerur Taluk, Kancheepuram District.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.Raja Kalifullah
Govt., Pleader for R1 to R3
Mr.R.Subramanian, Sr. Counsel
for Mr.A.Suresh for R4

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner has filed the above writ petition by way of Public Interest Litigation seeking to issue a Writ of Mandamus directing respondents 1 to 3 to forbear the fourth respondent from either drawing water in Survey Nos.48/1B, 50/1A2 and 247 at Silambakkam Village, Uthiramerur Taluk, Kancheepuram District, to be supplied to their factory at Melpakkam Village or to discharge the waste/treated water into the lands at Survey Nos.48/1B, 50/1A2 and 247 of Silambakkam Village, Uthiramerur Taluk, Kancheepuram District.

2. It is the grievance of the petitioner that Silambakkam Village in Uthiramerur Taluk, Kancheepuram District, is a village wherein 100% of the lands are agricultural lands and agriculture is the only source of living for the entire village. There is no major river flowing in the nearby area. According to him, the fourth respondent herein is an iron and steel plant, situated at Melapakkam village. The said factory, which is a cast iron Melting Unit, was established in the year 2005 and it started its melting functioning in December, 2005 itself. The factory employs about 1000 employees. The fourth respondent-factory has purchased 5.5 acres of land in Survey Nos.48/1B, 50/1A2 and 247 of Silambakkam Village, Uthiramerur Taluk, Kancheepuram District and dug 250 feet tube-well, a month ago. They laid the pipelines at the distance of 6 k.ms. According to the petitioner, the fourth respondent factory was allowed to operate the bore-well, which they plan to operate with 50 HP motor pump set, then the ground water level in Silambakkam village will go down rapidly, thus causing difficulty to pursue the agricultural operations in about 300 acres of land, hence the present writ petition.

3. Pursuant to the direction of this Court, the first respondent-District Collector, Kancheepuram District, has filed an Inspection Report. Since the information furnished by the District Collector are relevant to the issue, the entire report is extracted here under, which reads as follows:

> "M/s V.K.G. Steel Energy Pvt. Ltd., is situated in Melpakkam Village on the left hand side of the metalled road leading from Kaliyampondi village to Perunagar village of Kanchipuram District. The basic materials containing iron ores are being brought from Bellary District of Karnataka State, through lorries to this factory site, wherein it is being melted for extracting the iron, and the

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quality of the material is changed after casting and again transported through lorries to Pondicherry State. The company has purchased dry and wet patta lands in Melpakkam as well as in the surrounding villages viz., Ravathanalloor, Kaliyampoondi and Elenagar to a total extent of more than 125 acres at present.

About 500 labourers are reported to be employed in the factory premises on rotation basis, which requires water basically for drinking purposes of the people engaged therein, as well as for their factory work. As such the company has proposed and started laying two plastic (PVC) pipelines under the ground along the rural roads in the villages starting from Silambakkam and running through Azhisoor, Thinayampoondi and Kaliyampoondi villages to the factory site in Melpakkam Village. The company has dug out 2 wells (20' diameter) in their factory site at Melpakkam within their premises, and water derived out of them, at present, is reported to be used for casting work in their site on rotation process, and the balance of water after evaporation to be utilized for the proposed garden within their premises. According to the company authorities, even the septic tank water out of toilets in the premises is also subjected to recycling.

During the inspection, the company is not letting out any wastage water presently from the factory premises. They have also obtained necessary instructions from the Pollution Control Authorities. Moreover, the Highways and the Local Body authorities have also given permission to the above Co., for the laying of pipelines along the rural roads. It is noticed that the company have laid two pipelines only for drinking water purposes, to be used as alternative and not for sending out the wastages from the factory premises.

M/s V.K.G. Steels Energy Ltd., have also purchased wet and dry patta lands to an extent of 5.55 acres (under Patta No.101) bearing various S.Nos., in Silambakkam Village alone, out of which, they located a bore well only in S.No.50/1A2 (not in S.No.48/1B as referred by the writ petitioner) with a view to get drinking water to the factory premises. But they have not laid out any pipelines. However, they have completed the laying of pipelines in other villages as stated above. Neither the bore well at Silambakkam village has been connected, nor laying of pipelines within

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Silambakkam limits has been done. S.No.247 referred to by the petitioner does not find place in the above village, as the above village contains only S.Nos.172.

Meanwhile, the company has also stated that they have separately applied for permission towards laying of pipelines to make the drinking water, run from the bore well at Silambakkam to the factory site at Melpakkam during the month of 3/2006. As such, no proposals have been initiated from the Tahsildar, either to granting of permission or to the working out of track rent as per the Govt. norms.

During the inspection, it is noticed, that the above Company have encroached by way of storing their raw materials (iron ores) outside their premises in certain assessed waste lands under various S.Nos. Belonging to Government in an extent of about 12.00 acres."

4. The report makes it clear that the fourth respondent company is not letting out any wastage water presently from the factory premises and also necessary instructions from the Pollution Control Authorities have been received. The report also shows that the Highways and the Local Body authorities have also given permission to the fourth respondent company for laying pipelines along the rural roads.

5. Apart from the above information, the fourth respondent has also filed a counter affidavit highlighting their stand. In the counter affidavit it is seen that the fourth respondent is employing about 600 employees as on date for their works in the factory, which was established to manufacture semis viz., Mild Steel Billets using sponge iron and M.S. Scrap by melting them and converting to the required size of billets. The factory is situated in an area of 150 acres. For the use of the workers, particularly for drinking purpose, they require water, hence they purchased 5.5 acres of land in survey Nos.48/1B and 247 of Silampakkam village, Uthiramerur Taluk, Kancheepuram District, where the water facilities are available due to its nearness to Cheyyar River. The fourth respondent has put up a bore with 4" pipe and also wants to lay pipeline from survey Nos.48/1B and 247, Sillapakkam village to the factory premises at Melpakkam village. The distance is about 6 k.ms. They had also obtained necessary permission from the Divisional Engineer, Highways, Chengalpattu and also Block Development Officer, Uthiramerur Panchayat Union. The fourth respondent has also informed by letter dated 13.3.2006 to the Revenue Divisional Officer, Kancheepuram, about laying of pipeline from Sillampakkam Villge to their factory premises at Melpakkam village. In paragraph 8 of the counter affidavit the fourth respondent reiterated

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that they want to take water from Sillampakkam village only for drinking purpose and not for factory use. They also asserted that by drawing water from bore put up by the fourth respondent the "Koottukudineer Thittam" (Co-operative Water Scheme) will not be affected in any manner.

6. The statement in paragraph 8 of the counter affidavit filed by the fourth respondent with regard to the lifting of the water from bore-well is hereby recorded.

7. On going through the report filed by the Collector, Kancheepuram District, as well as the stand taken by the fourth respondent and also their assertion that the water is being taken only for drinking purpose of their employees and not for the factory use, we are of the view that there is no substance in the apprehension raised by the petitioner. It is made clear that if there is any violation or the water is being used for factory purposes, without proper permission from the authorities concerned, the respondents 1 to 3 are directed to take appropriate action against the fourth respondent. The petitioner is also free to make a complaint to the authorities concerned.

8. With the above observation, the writ petition is dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2007 are also dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Collector,
Kancheepuram District at Kancheepuram.

2.The Tahsildar,
Uthiramerur Taluk, Kancheepuram District.

3.The Block Development Officer,
Uthiramerur Taluk, Kancheepuram District.

+ 1 cc to the Government Pleader, SR No.3399
+ 1 cc to Mr. A. Suresh, Advocate, SR No.3218
+ 1 cc to Mr. R. Selvakumar, Advocate, SR No.3226

SSV(CO)
SR/24.1.2007

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